

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 3-12, 15-17 and 20-22 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 23 and 24 have been added. Thus, claims 1, 2, 13, 14, 18, 19, 23 and 24 are pending in the present application, of which claims 1, 2, 13, 14, 18 and 19 are independent.

**Noted - Priority Document Received By USPTO**

The indication (see the present Office Action Summary, Box 12 of Office Action dated June 24, 2008) that the certified copy of the priority document has been received by the USPTO is noted with appreciation.

**Noted - IDS Considered**

The indication (see item 3 in the attachments of the present Office Action Summary) that the Information Disclosure Statement (IDS) as filed on August 29, 2006 and October 8, 2003 and references listed therein have been considered is noted with appreciation.

**Approval of Drawings Requested**

Drawings were submitted on October 8, 2003. To date, no official indication of approval of the drawings has been noted in the prosecution history. the undersigned has no reason to believe that this circumstance implies anything other than a minor oversight on the part of the USPTO. Accordingly, official approval of the drawings is hereby respectfully requested.

**Claim Rejection Under 35 U.S.C. §101**

Claims 1 and 2 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, the Office Action asserts that the claimed

invention is not tied to another statutory class and can be performed without the use of a particular apparatus.

Claims 1 and 2 have been amended to positively recite (among other things) that "the business management method is implemented by a machine," which is a statutory class. Hence, withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

**Claim Rejection Under 35 U.S.C. §102**

Claims 1, 2, 13, 14, 18 and 19 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,859,523 (hereinafter, referred to Jilk).

**INDEPENDENT CLAIMS 1, 2, 13, 14, 18 and 19**

As an example, independent claims 1, 2, 13, 14, 18 and 19 have been amended to recite (among other things) features of (a) "calculating a problem settlement rate for said negotiation by dividing said second number by said first number" and (b) "judging suitability of said negotiation that said staff member is doing, based on said number of activity times or said activity time, which is stored in association with said negotiation in said negotiation results database, said problem settlement rate for said negotiation, a threshold value of said number of activity times or said activity time and a threshold value of said problem settlement rate." As will be explained below, at least these features of claims 1, 2, 13, 14, 18 and 19 are distinctions over Jilk.

It is respectfully submitted that Jilk does not teach or suggest the problem settlement rate and calculating the problem settlement rate for said negotiation by dividing said second number by said first number.

The Office Action asserts col. 8, lines 38-59, col. 25, lines 24-68, col. 8, lines 60-64, col. 23, lines 27-68 and col. 24, lines 1-23 teach judging suitability of said work that said staff member is doing, by using a predetermined rule, which is stored in a rule storage, for at least said activity state and said settlement state of said

problem, and said data registered in said storage device. However, the judging as recited in the aforementioned independent claims is carried out "based on said number of activity times or said activity time, which is stored in association with said negotiation in said negotiation results database, said problem settlement rate for said negotiation, a threshold value of said number of activity times or said activity time and a threshold value of said problem settlement rate." Thus, the cited portions of Jilk, and indeed the entire disclosure of Jilk, do not teach or suggest the quality unit or the evaluation unit, as asserted in the Office Action, that judges the suitability "based on said number of activity times or said activity time, which is stored in association with said negotiation in said negotiation results database, said problem settlement rate for said negotiation, a threshold value of said number of activity times or said activity time and a threshold value of said problem settlement rate".

Hence, the noted features, namely (a) "calculating a problem settlement rate for said negotiation by dividing said second number by said first number" and (b) "judging suitability of said negotiation that said staff member is doing, based on said number of activity times or said activity time, which is stored in association with said negotiation in said negotiation results database, said problem settlement rate for said negotiation, a threshold value of said number of activity times or said activity time and a threshold value of said problem settlement rate" are distinctions over Jilk.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the independent claims. In view of the distinction of claims 1, 2, 13, 14, 18 and 19 noted above, at least one claimed element is not present in Jilk. Hence, Jilk does not anticipate claims 1, 2, 13, 14, 18 and 19.

New claims 23 and 24 ultimately depend from claim 1, respectively, and so at least similarly distinguish over Jilk. Hence, Jilk also does not anticipate claims 23 and 24.

**New Claims**

Again, new claims 23 and 24 have been added. Distinguishing features of claims 23 and 24 have been noted above.

**Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

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By /Tiep H. Nguyen/

Tiep H. Nguyen  
Registration No.: 44,465  
Phone: 202-285-9782

Fujitsu Patent Center  
FUJITSU MGMT SERVICES OF AMERICA, INC.  
PTO Customer No.: 79326